

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:15-cr-00044-MR-DLH

**THIS MATTER** is before the Court on the Defendant's Motion to Continue the Trial Term and Motion to Extend the Plea Deadline [Doc. 20].

On June 2, 2015, the Defendant was charged in a Bill of Indictment with one count of possession with intent to distribute cocaine base, in violation of 21 U.S.C. § 841(a)(1), and two counts of possession of a firearm and ammunition after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). [Doc. 1]. The Defendant's initial appearance and arraignment were held on June 8, 2015, at which time counsel was appointed and this case was placed on the June 15, 2015 calendar for trial. On June 10, 2015, upon motion of the Defendant, the Court continued this matter

pursuant to 18 U.S.C. § 3161(c)(2) to its present setting during the August 24, 2015 trial term. [Doc. 14].

The Defendant now moves for another continuance of the trial date. For grounds, counsel states that the Defendant has not received certain discovery from the Government and has not yet received a plea agreement offer. Counsel further represents that the Government does not oppose the requested continuance. [Doc. 20].

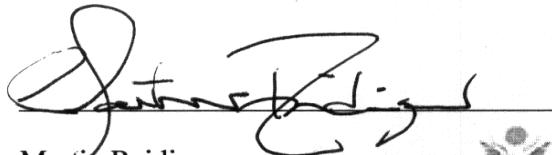
The Court finds that this case should be continued. Specifically, the Court finds that if the requested continuance were not granted, counsel would be denied “the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by the granting of the continuance outweigh the best interest of the public and the Defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

The Defendant also requests an extension of the deadline to file a plea agreement in this matter. The Standard Arraignment Order entered in this case provides that the plea agreement filing deadline is the third Friday before calendar call. Because this matter has been continued from the August 24, 2015 trial term, the Defendant’s request for an extension of the August 7, 2015 plea agreement filing deadline is moot.

**IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Continue the Trial Term [Doc. 20] is **GRANTED**, and the above-captioned case is **CONTINUED** from the August 24, 2015 term in the Asheville Division.

**IT IS FURTHER ORDERED** that the Defendant's Motion to Extend the Plea Deadline [Doc. 20] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**



Martin Reidinger  
United States District Judge

